

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

FLETCHER SHERMAN LEGARDY,
Plaintiff,
v.
STATE OF CALIFORNIA, et al.,
Defendants.

No. 2:22-cv-01881 KJM AC PS

ORDER

Plaintiff, proceeding pro se, filed the above-entitled action. The matter was referred to a United States Magistrate Judge as provided by Local Rule 302(c)(21).

On October 27, 2022 the magistrate judge filed findings and recommendations, which were served on plaintiff and which contained notice to plaintiff that any objections to the findings and recommendations were to be filed within 21 days. ECF No. 3. Plaintiff has not filed objections to the findings and recommendations.

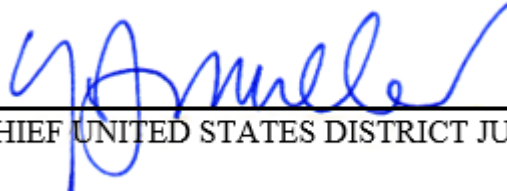
The court presumes that any findings of fact are correct. *See Orand v. United States*, 602 F.2d 207, 208 (9th Cir. 1979). The magistrate judge's conclusions of law are reviewed de novo. *See Robbins v. Carey*, 481 F.3d 1143, 1147 (9th Cir. 2007) (“[D]eterminations of law by the magistrate judge are reviewed de novo by both the district court and [the appellate] court . . .”). Having reviewed the file, the court finds the findings and recommendations to be supported by the record and by the proper analysis.

1 The court further notes plaintiff appears to dispute federal appropriation of funds, based
2 on plaintiff's attached letters. Although the specific contours of plaintiff's allegations are
3 difficult to understand, insofar as plaintiff's claim is premised on his disagreement with the
4 federal government's appropriation decisions, plaintiff could not amend his complaint to state a
5 claim. *See Massachusetts v. Mellon*, 262 U.S. 447, 487 (1923) ("[The taxpayer's] interest in the
6 moneys of the treasury—partly realized from taxation and partly from other sources—is shared
7 with millions of others, is comparatively minute and indeterminable, and the effect upon future
8 taxation, of any payment out of the funds, so remote, fluctuating and uncertain, that no basis is
9 afforded for an appeal to the preventive powers of a court of equity."). For this reason, in
10 addition to those identified by the magistrate judge, leave to amend would be futile.

11 Accordingly, IT IS HEREBY ORDERED that:

- 12 1. The findings and recommendations filed October 27, 2022, are adopted in full;
- 13 2. All claims against all defendants are DISMISSED with prejudice; and
- 14 3. This case is closed.

15 DATED: March 6, 2023.

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18 CHIEF UNITED STATES DISTRICT JUDGE
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